

1 JOSEPH P. RUSSONIELLO (CABN 44332)
 2 United States Attorney

3 BRIAN J. STRETCH (CSBN 163973)
 4 Chief, Criminal Division

5 JEFFREY B. SCHENK (CASBN 234355)
 6 Assistant United States Attorney

7 150 Almaden Boulevard
 8 San Jose, California 95113
 9 Telephone: (408) 535-2695
 10 Facsimile: (408) 535-5066
 11 Email: jeffrey.b.schenk@usdoj.gov

12 Attorneys for the United States of America

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA,)
 18 Plaintiff,)
 19 v.)
 20 DAVID LOUIS BEHAR,)
 21 LINDSAY ROBIN HOGUE,)
 22 TARA BERGSTRAND, and)
 23 JOHN ROGER LAGACE,)
 24 a/k/a Brandon Draper,)
 25 Defendants.)
 26 _____)

No. CR 08-00088-JW

27 *[Signature]*
 28 STIPULATION AND [REDACTED]
 ORDER EXCLUDING TIME FROM
 APRIL 21, 2008 TO APRIL 29, 2008
 FROM THE SPEEDY TRIAL ACT
 CALCULATION (18 U.S.C. §
 3161(h)(8)(A))

29 On April 21, 2008, the parties are scheduled to appear for a hearing before this Court.

30 The government and all defendants request a short continuance of that hearing to allow defense
 31 counsels an opportunity to meet with their respective clients, review a proposed disposition, and
 32 properly advise their clients. The parties also request an exclusion of time under the Speedy
 33 Trial Act based upon the defense counsel's need to effectively prepare by reviewing materials
 34 submitted by the government and properly advise their clients. The parties request that the Court
 35 set the matter for a hearing on April 29, 2008 at 3:00 P.M.

The parties stipulate that the time between April 21, 2008 and April 29, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §3161(h)(8)(A).

DATED: April 18, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
JEFFREY B. SCHENK
Assistant United States Attorney

/s/
PETER LEEMING
Attorney for Mr. Behar

/s/
GEOFFREY BRAUN
Attorney for Ms. Hogue

/s/
MANUEL ARAUJO
Attorney for Ms. Bergstrand

____ /s/ _____
JERRY FONG
Attorney for Mr. Lagace

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing currently scheduled for April 21, 2008 should be continued until April 29, 2008 at 3:00 P.M. Furthermore, the Court HEREBY ORDERS that the time between April 21, 2008 and April 29, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED: April 29, 2008


James Ware